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\*E-Filed 3/29/10\*

Attorneys for Defendant,  
 THE PRUDENTIAL INSURANCE  
 COMPANY OF AMERICA

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

DONNA C. RAY,

Plaintiff,

v.

THE PRUDENTIAL INSURANCE  
 COMPANY OF AMERICA, a corporation,  
 DOES 1 thru 30, inclusive,

Defendants.

CASE NO. 09-5598 RS

**STIPULATION AND [PROPOSED]  
 ORDER EXTENDING TIME FOR  
 PRUDENTIAL TO FILE SUMMARY  
 JUDGMENT MOTION ON STATUTE  
 OF LIMITATIONS ISSUE TO  
 MAY 19,2010**

Case Removed: November 25, 2009  
 Orig. Answer Filed: December 2, 2009

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff DONNA C. RAY ("Ray") and Defendant THE PRUDENTIAL INSURANCE COMPANY OF AMERICA ("Prudential"), through their respective attorneys of record, hereby stipulate to entry of the [Proposed] Order attached hereto, extending the time for Prudential to file a motion for summary judgment on the issue of whether Ray's claims are barred by the applicable statutes of limitations, from March 29, 2010 to May 19, 2010.

**I. RECITALS**

WHEREAS:

1. Ray is a former employee of the University of California. (The "University"). Ray claims that she is owed long-term disability ("LTD") and other benefits under an insurance policy issued by Prudential to the University. (The "Policy")

1           2.       Ray first claimed LTD benefits under the Policy in or around 1992, and Prudential  
2 paid Ray LTD benefits from January 1993 to January 1995.

3           3.       In 1995, Prudential determined that Ray's claim for LTD benefits was subject to  
4 certain Policy limitations, and pursuant to these limitations, Prudential discontinued Ray's LTD  
5 benefits in or around January 1995.

6           4.       On October 19, 2009 Ray filed the instant action in the Superior Court of the State  
7 of California, County of Contra Costa.

8           5.       In the instant action Ray seeks to recover LTD and other benefits under the Policy  
9 from January 1995 to the present.

10          6.       On November 25, 2009 Prudential removed the action to this Court.

11          7.       On March 8, 2010 the initial Case Management Conference in this action was  
12 conducted by Judge Marilyn Hall Patel. (The action was re-assigned to Judge Richard Seeborg  
13 on March 18, 2010.)

14          8.       At the Case Management Conference, Judge Patel ordered Prudential to file a  
15 motion for summary judgment on the statute of limitations issue by March 29, 2010. A copy of  
16 the March 8, 2010 Minute Order is attached hereto as **Exhibit A**.

17          9.       At the CMC, Judge Patel recognized that Prudential might need to propound  
18 limited discovery in support of its anticipated motion, and the March 29 deadline was made  
19 contingent on Prudential's need for such discovery.

20          10.       On March 16, 2010, counsel for Prudential met and conferred with counsel for  
21 Ray to discuss Prudential's need for limited discovery into the statute of limitations issue.  
22 Counsel for Ray acknowledged Prudential's need for such discovery.

23          11.       Subsequent to this conversation, on March 16, 2010, Prudential served its limited  
24 discovery, including written discovery to Ray, and a document subpoena the University. Copies  
25 of this discovery are attached hereto as **Exhibit B**.

26          12.       Ray's responses are not due until April 19, 2010.

27          13.       The University produced documents pursuant to the subpoena on March 22, 2010.  
28

1           **14.**     An extension of the deadline for Prudential to file its motion for summary  
2 judgment on the statute of limitations issue is necessary for Prudential to obtain complete and  
3 comprehensive responses to the propounded discovery, and all responsive documents, and to  
4 incorporate those responses and documents into its motion for summary judgment, as Judge Patel  
5 anticipated at the CMC on March 8, 2010.

6     **II.     STIPULATION**

7           Based on the foregoing recitals, the parties, through their respective attorneys of record,  
8 hereby stipulate to entry of an order as follows:

9           **1.**     The deadline for Prudential to file its motion for summary judgment on the issue  
10 whether Ray's claims are barred by the applicable statute(s) of limitations shall be extended from  
11 March 29, 2010 to May 19, 2010; and

12           **2.**     Any opposition to Prudential's motion shall be filed and served by June 2; and

13           **3.**     Any reply shall be filed and served by June 9, 2010; and

14           **4.**     Any hearing on the motion shall be set by the Court for a date and time amenable  
15 to the schedules of the parties and the Court.

16 DATED: March 25, 2010

GORDON & REES LLP

*/s/ Daniel T. Balmat*

By

David C. Capell  
Daniel T. Balmat  
Attorneys for Defendant  
THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA

22 DATED: March 25, 2010

LAW OFFICES OF ROBERT K. SCOTT

*/s/ Joel S. Poremba*

By

Robert K. Scott  
Joel S. Poremba  
Attorneys for Plaintiff  
DONNA C. RAY

**~~PROPOSED~~ ORDER**

Having considered the Parties' Stipulation to extend the deadline for Defendant to file its motion for summary judgment on the issue whether Plaintiff's claims are barred by the applicable statute(s) of limitation, the Court orders the following:

**FOR GOOD CAUSE SHOWN, IT IS ORDERED** that the deadline for Defendant to file its motion for summary judgment on the issue whether Plaintiff's claims are barred by the applicable statute(s) of limitation is extended to May 19, 2010. Any opposition to Prudential's motion shall be filed and served by June 2, 2010; any reply shall be filed and served by June 9, 2010. Any hearing on the motion shall be set by the Court at a future time for a date and time convenient to the parties and the Court. All other deadlines remain unaffected.

DATED: March 29, 2010

  
\_\_\_\_\_  
Judge, U.S. District Court for the  
Northern District of California

**EXHIBIT A**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**CIVIL PRETRIAL MINUTES**

Date: March 8, 2010

Case No. C 09-5598 MHP

Judge: MARILYN H. PATEL

Title: DONNA C. RAY -v- THE PRUDENTIAL INSURANCE COMPANY OF AMERICA

Attorneys: Plf: Robert Scott  
Dft: David Capell

Deputy Clerk: Anthony Bowser Court Reporter: Sahar McVickar

**PROCEEDINGS**

- 1) Case Management Conference
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

**ORDERED AFTER HEARING:**

Underlying complaint dismissed; No ERISA claims; Briefing schedules as follows:

Motions to be filed by 3/29/2010;  
Oppositions to be filed by 4/12/2010;  
Replies to be filed by 4/19/2010;  
Motion to be heard 2:00 p.m. on 5/3/2010.

**EXHIBIT B**

1 DAVID C. CAPELL (SBN: 114691)  
2 DANIEL T. BALMAT (SBN: 230504)  
3 GORDON & REES LLP  
275 Battery Street, Suite 2000  
4 San Francisco, CA 94111  
Tel: 1.415.986.5900  
Fax: 1.415.986.8054  
dbalmat@gordonrees.com

5 Attorneys for Defendant.  
6 THE PRUDENTIAL INSURANCE  
7 COMPANY OF AMERICA

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 DONNA C. RAY, ) CASE NO. 09-5598 MHP  
12 )  
Plaintiff, ) **DEFENDANT THE PRUDENTIAL**  
13 v. ) **INSURANCE COMPANY OF**  
THE PRUDENTIAL INSURANCE ) **AMERICA'S REQUESTS FOR**  
14 COMPANY OF AMERICA, a corporation, ) **PRODUCTION TO PLAINTIFF DONNA**  
DOES 1 thru 30, inclusive, ) **C. RAY, SET ONE**  
15 )  
Defendants. )  
16 ) Case Removed: Nov. 25, 2009  
17 ) Orig. Answer Filed: Dec. 2, 2009  
18 )

19 PROPOUNDING PARTY: THE PRUDENTIAL INSURANCE COMPANY OF  
AMERICA

20 RESPONDING PARTY: DONNA C. RAY

21 SET NO.: ONE (1)

22 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, defendant THE  
23 PRUDENTIAL INSURANCE COMPANY OF AMERICA ("PRUDENTIAL") hereby requests  
24 that, within thirty (30) days hereof, plaintiff DONNA C. RAY ("RAY") produce or permit  
25 inspection at Gordon & Rees LLP, 275 Battery Street, Suite 2000, San Francisco, on April 19,  
26 2010 or any other reasonable time or place agreed on between the parties of the materials  
27 identified herein.  
28



**DEFINITIONS**

- 1           1.       The term "DOCUMENT" or "DOCUMENTS" means and refers to all items  
2 described in FRCP Rule 34(a)(1)(A), including but not limited to any and all electronically  
3 stored information containing those items.  
4
- 5           2.       "PERSON" or "PERSONS" includes a natural person, firm, association,  
6 organization, partnership, business, trust, corporation or public entity.
- 7           3.       "IDENTIFY" with respect to a DOCUMENT shall mean to provide: the type of  
8 DOCUMENT(s), *e.g.*, letter, memo, etc., the title or name by which it is referred, the date of the  
9 DOCUMENT, the identity of its author(s) creating the DOCUMENT, the identity of all  
10 recipients of the DOCUMENT, the present location of the DOCUMENT, the name of the  
11 custodian of the DOCUMENT, and the general description of the subject matter. "IDENTIFY"  
12 with respect to a person means to provide: the name of the person, the location at which the  
13 person was employed by YOU, the person's present location, and the subject matter of that  
14 person's knowledge of the subject of the request.
- 15           4.       "RELATING TO" means constituting, referring to, discussing, analyzing,  
16 compromising, embodying, recording, evidencing, affecting, or containing any information  
17 which pertains to a specified subject.
- 18           5.       "PRUDENTIAL" means defendant The Prudential Insurance Company of  
19 America.
- 20           6.       "YOU" and "YOUR" means plaintiff DONNA C. RAY, and YOUR present and  
21 former agents, and all other such persons acting on YOUR behalf, including attorneys and  
22 investigators.
- 23           7.       The "ACTION" means the instant action, titled *Ray v. The Prudential Insurance*  
24 *Company of America*, N.D. Cal. Case No. 09-5598 MHP.

**INSTRUCTIONS**

26           If YOU claim any privilege with respect to any DOCUMENT responsive to these  
27 requests, identify the type of privilege claimed (*e.g.*, attorney privilege), state in full the basis for  
28 the claim of privilege, identify the DOCUMENT for which a claim of privilege is made,

1 including the author(s), addresses(s), other recipient(s), date and subject matter thereof. If YOU  
2 claim a privilege with a portion of the DOCUMENT, YOU should nonetheless produce the  
3 portion of the DOCUMENT for which YOU do not claim a privilege.

4 **REQUEST FOR PRODUCTION NO. 1:**

5 ALL DOCUMENTS YOU IDENTIFIED in YOUR response to PRUDENTIAL'S First  
6 Set of Special Interrogatories, Interrogatory No. 3.

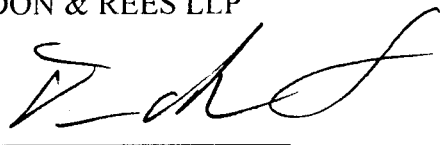
7 **REQUEST FOR PRODUCTION NO. 2:**

8 ALL DOCUMENTS RELATING TO any accounts YOU IDENTIFIED in response to  
9 PRUDENTIAL's First Set of Special Interrogatories, Interrogatory No. 4, including account  
10 statements, deposit slips, tax records, checkbooks and cancelled checks which in any way reflect  
11 payments to YOU by the University of California, PRUDENTIAL, and any employee benefit  
12 plan related to either of them.

13  
14 Dated: March 16, 2010

GORDON & REES LLP

15  
16 By:



David C. Capell  
Daniel T. Balmat  
Attorneys for Defendant  
THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA

1 DAVID C. CAPELL (SBN: 114691)  
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9 Attorneys for Defendant,  
10 THE PRUDENTIAL INSURANCE  
11 COMPANY OF AMERICA

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 DONNA C. RAY, ) CASE NO. 09-5598 MHP  
16 )  
17 Plaintiff, )  
18 )  
19 v. )  
20 )  
21 THE PRUDENTIAL INSURANCE )  
22 COMPANY OF AMERICA, a corporation, )  
23 DOES 1 thru 30, inclusive, )  
24 )  
25 Defendants. )  
26 )  
27 ) Case Removed: Nov. 25, 2009  
28 ) Orig. Answer Filed: Dec. 2, 2009  
29 )

30 PROPOUNDING PARTY: THE PRUDENTIAL INSURANCE COMPANY OF  
31 AMERICA

32 RESPONDING PARTY: DONNA C. RAY

33 SET NO.: ONE (1)

34 Pursuant to Rule 33 of the Federal Rules of Civil Procedure, defendant THE  
35 PRUDENTIAL INSURANCE COMPANY OF AMERICA ("PRUDENTIAL") hereby requests  
36 that, by April 19, 2010, plaintiff DONNA C. RAY ("RAY") respond to each of the following  
37 interrogatories related to the statute of limitations.  
38

*Outlook  
Call it*

**DEFINITIONS**

1  
2 1. The term "DOCUMENT" or "DOCUMENTS" means and refers to all items  
3 described in FRCP Rule 34(a)(1)(A), including but not limited to any and all electronically  
4 stored information containing those items.

5 2. "PERSON" or "PERSONS" includes a natural person, firm, association,  
6 organization, partnership, business, trust, corporation or public entity.

7 3. "IDENTIFY" with respect to a DOCUMENT shall mean to provide: the type of  
8 DOCUMENT(s), *e.g.*, letter, memo, etc., the title or name by which it is referred, the date of the  
9 DOCUMENT, the identity of its author(s) creating the DOCUMENT, the identity of all  
10 recipients of the DOCUMENT, the present location of the DOCUMENT, the name of the  
11 custodian of the DOCUMENT, and the general description of the subject matter. "IDENTIFY"  
12 with respect to a person means to provide: the name of the person, the location at which the  
13 person was employed by YOU, the person's present location, and the subject matter of that  
14 person's knowledge of the subject of the request.

15 4. "RELATING TO" means constituting, referring to, discussing, analyzing,  
16 compromising, embodying, recording, evidencing, affecting, or containing any information  
17 which pertains to a specified subject.

18 5. "PRUDENTIAL" means defendant The Prudential Insurance Company of  
19 America.

20 6. "YOU" and "YOUR" means plaintiff DONNA C. RAY, and YOUR present and  
21 former agents, and all other such persons acting on YOUR behalf, including attorneys and  
22 investigators.

23 7. The "ACTION" means the instant action, titled *Ray v. The Prudential Insurance*  
24 *Company of America*, N.D. Cal. Case No. 09-5598 MHP.

**INSTRUCTIONS**

25  
26 If YOU claim any privilege with respect to any DOCUMENT responsive to these  
27 requests, identify the type of privilege claimed (*e.g.*, attorney privilege), state in full the basis for  
28 the claim of privilege, identify the DOCUMENT for which a claim of privilege is made,

1 including the author(s), addresses(s), other recipient(s), date and subject matter thereof. If YOU  
2 claim a privilege with a portion of the DOCUMENT, YOU should nonetheless produce the  
3 portion of the DOCUMENT for which YOU do not claim a privilege.

4 **SPECIAL INTERROGATORY NO. 1:**

5 If you contend that any cause of action or claim YOU have pleaded in the ACTION is not  
6 barred by applicable statutory limitation periods, including but not limited to the periods set forth  
7 in California Code of Civil Procedure section 337, set forth all facts that support YOUR  
8 contention, as to each cause of action or claim.

9 **SPECIAL INTERROGATORY NO. 2:**

10 If you contend that any cause of action or claim YOU have pleaded in the ACTION is not  
11 barred by applicable statutory limitation periods, including but not limited to the periods set forth  
12 in California Code of Civil Procedure section 337, IDENTIFY any PERSON YOU believe has  
13 knowledge of any fact or information to support YOUR contention, as to each cause of action or  
14 claim.

15 **SPECIAL INTERROGATORY NO. 3:**

16 If you contend that that any cause of action or claim YOU have pleaded in the ACTION  
17 is not barred by applicable statutory limitation periods, including but not limited to the periods  
18 set forth in California Code of Civil Procedure section 337, IDENTIFY all DOCUMENTS that  
19 support YOUR contention, as to each cause of action or claim.

20 **SPECIAL INTERROGATORY NO. 4:**

21 IDENTIFY all financial accounts YOU maintained at any time from 1993 to the present,  
22 including but not limited to personal savings and checking accounts, and including but not  
23 limited to accounts held at banks, savings and loans and credit unions. In the context of this  
24 Interrogatory, "IDENTIFY" means to provide: (1) the name and address of the financial  
25 institution; (2) the type of account (e.g., personal checking); (3) the account number; and (4) the  
26 dates the account was maintained.

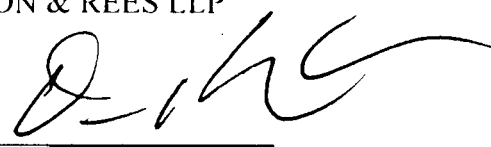
27 ///

28 ///

1 Dated: March 16, 2010

GORDON & REES LLP

2  
3 By:



4 David C. Capell  
5 Daniel T. Balmat  
6 Attorneys for Defendant  
7 THE PRUDENTIAL INSURANCE  
8 COMPANY OF AMERICA  
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## UNITED STATES DISTRICT COURT

for the  
Northern District of CaliforniaDonna C. Ray*Plaintiff*

v.

The Prudential Insurance Company of America*Defendant*

Civil Action No. 09-5598 MHP

(If the action is pending in another district, state where:

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

University of California  
Custodian of Records / Office of General Counsel  
1111 Franklin St., Oakland, CA 94607☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

-- See Attachment "A"--

Place:

Gordon & Rees LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

Date and Time:

April 1, 2010  
10:00 a.m.☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: March 16, 2010

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk**Attorney's signature*

Daniel T. Balmat

The name, address, e-mail, and telephone number of the attorney representing (name of party)

The Prudential Insurance Company of America, who issues or requests this subpoena, are:

AO 88B (Rev. 06/09) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

---

Gordon & Rees LLP  
Daniel T. Balmat  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

---



**ATTACHMENT A**

*Donna C. Ray v. The Prudential Insurance Company of America*  
U.S.D.C. N.D. Cal. Case No. 09-5598 MHP

**You are commanded to produce at the time, date, and place set forth the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:**

- All materials relating to any claims for benefits by former University of California (the "University") employee Donna C. Ray ("Ray"), University Employee Number 01-0233321, SSN 487-52-4778, including claims for short- or long-term disability benefits or for life insurance benefits.
- All materials relating to payments by the University or The Prudential Insurance Company of America ("Prudential") to Ray, including but not limited to salary payments, disability benefits, and retirement or pension benefits, and including but not limited to cancelled checks, tax forms, deposit slips, and electronic deposit records.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Daniel T. Balmat, 230504 GORDON & REES 275 Battery St San Francisco, CA 94111		TELEPHONE NO. (415) 986-5900		FOR COURT USE ONLY	
ATTORNEY FOR (Name) Defendant		Rel No. or File No. PRU 1060456			
Insert name of court, judicial district or branch court, if any  United States District Court for the Northern District of Califo 450 Golden Gate Avenue San Francisco, CA 94102-3483					
PLAINTIFF:  Ray					
DEFENDANT:  The Prudential Insurance Company of America					
<b>PROOF OF SERVICE</b>		DATE:	TIME:	DEPT/DIV:	CASE NUMBER:  09-5598 MHP

1. At the time of service I was a citizen of the United States, over 18 years of age and not a party to this action, and I served copies of Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

2. Person Served (name): University of California, Custodian of Records/Office of General Counsel, by serving David Robinson, Senior Counsel, authorized to accept service on behalf

3. Date and Time of Delivery: 3/17/2010 1:35 PM

4. Address where served: 1111 Franklin Street  
Oakland, CA 94607

5. I received the above document(s) for service on (date): 3/17/2010

6. Witness Fees: Witness fees and mileage both ways were not demanded or paid.

# BY FAX


Fee for service (including Witness Fees if paid) \$:79.00

Registered California process server.  
County: ALAMEDA  
Registration No.: 1101

Richard Lowry  
One Legal - 194-Marin  
504 Redwood Blvd #223  
Novato, CA 94947  
415-491-0606

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct and that this declaration was executed on 3/18/2010 at Oakland, California.

Signature: \_\_\_\_\_



Richard Lowry

OL# 6712495

**Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)****(c) Protecting a Person Subject to a Subpoena.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

**(A) Appearance Not Required.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

**(B) Objections.** A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

**(i)** At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

**(ii)** These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

**(A) When Required.** On timely motion, the issuing court must quash or modify a subpoena that:

**(i)** fails to allow a reasonable time to comply;

**(ii)** requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

**(iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

**(iv)** subjects a person to undue burden.

**(B) When Permitted.** To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

**(i)** disclosing a trade secret or other confidential research, development, or commercial information;

**(ii)** disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

**(iii)** a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

**(C) Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

**(i)** shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

**(ii)** ensures that the subpoenaed person will be reasonably compensated.

**(d) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

**(A) Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

**(B) Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

**(C) Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

**(D) Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

**(A) Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

**(i)** expressly make the claim; and

**(ii)** describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

**(B) Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.** The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

# One Legal Order Receipt

**Order Number: 6712495**

(Note - If you submitted multiple orders, please refer to your specific order number shown below in the "Orders" section)

Thank you for choosing One Legal LLC. If you have any questions about this order, please contact our SOP Northern Branch.

Phone: 510-835-3100

Fax: 510-873-0984

**DO NOT FAX THIS ORDER RECEIPT WITH YOUR DOCUMENTS  
THIS IS FOR YOUR RECORDS ONLY**

**Order Detail**

Order Type: Serve

Date/Time Submitted: 03/17/2010 11:16 AM

Client File #: PRU 1060456

Contact Name: Lee Grygo

Attorney Name: Daniel T. Balmat

Email Notification: Contact

**Case Information**

Court Branch: Northern District of California - District - San Francisco

Court Name: United States District Court for the Northern District of Califo

Court City/ZIP: San Francisco 94102-3483

Plaintiff: Donna C. Ray

Defendant: The Prudential Insurance Company of America

Representing: Defendant

Case No.: 09-5598 MHP

Hearing Date:

Hearing Time:

Hearing Dept/Rm:

**Documents**

Document Type	Document Name	Pages Uploaded	Pages to Fax	Total Pages
Subpoena	Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action	5	0	5

**Special Instructions:****Orders:****Process Serving Order No.** 6712495

Service Level: Priority

Party to Serve: University of California Custodian of Records/Office of General Counsel

Agent for Service:

Last Day to Serve: 03/22/2010

Address Type	Bus Name	Street	Apt/Suite	City	State	Zip	Phone
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**ONE LEGAL LLC**  
**CONFIRMATION For Process Serving**



<b>ONE LEGAL CONFIRMATION FOR ORDER NO:</b> 6712495		<b>Date:</b> 3/18/2010
<b>Customer</b> GORDON & REES <b>Customer No.</b> 0000441 <b>Address</b> 275 Battery St 20th Floor San Francisco, CA 94111		<b>Attorney</b> Daniel T. Balmat <b>Attorney e-mail</b> <b>Contact</b> Lee Grygo <b>Contact e-mail</b> Lgrygo@gordonrees.com <b>Contact Phone</b> 415-986-5900 Ext 3258 <b>Contact Fax</b> 415-986-8054 <b>Law Firm File Number</b> PRU 1060456

<b>Case Information:</b>
Case Number 09-5598 MHP County San Francisco Court Northern District of California - District - San Francisco Case Short Title Ray vs. The Prudential Insurance Company of America

<b>Documents Received:</b>	<b>No. Docs:</b> 1 <b>No. Pgs:</b> 5
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Service Status: Served	Priority	79.00
<div style="border: 1px solid black; height: 100px; width: 100%;"></div>		
	Check No.	<b>Total:</b> 79.00

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